

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Fifth Meeting of the Conference of the Parties

Buenos Aires (Argentina), 22 April to 3 May 1985

Interpretation and Implementation of the Convention

TIME VALIDITY OF IMPORT PERMITS

This document has been prepared by Italy.

1. In Article III, paragraph 3, the Convention provides for the granting of an import permit for specimens of Appendix I species.

Under the provisions of paragraph 2 or 4 of the same Article, the granting of an export permit or a re-export certificate by the state of origin or source is conditional upon the granting of an import permit.

An export permit or a re-export certificate can only be granted upon presentation of the import permit granted by a Management Authority of the state of destination of the Appendix I specimens to ensure that the shipment be properly made, this being mainly necessary in the case of live specimens.

In effect, for an import to comply with the requirements in Article III, paragraph 3 b) and c), it is necessary to be satisfied that the recipient of a living specimen is suitably equipped to house and care for it and that the specimen will not be used for primarily commercial purposes.

2. In accordance with the recommendations of Resolution Conf. 4.9 adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983), the time validity of export permits and re-export certificates is limited to 6 months, during which all export activities, including transport, presentation for import, etc. shall be concluded.
3. The time validity of the import permit should be related to that of the export permit or re-export certificate; therefore, the time validity cannot be less than 6 months.
4. The Convention does not provide a maximum time for the validity of import permits and, in particular, for the time during which the states of (re-)export may consider these permits as valid. The lack of time validity for import permits can be a rather significant problem considering the aims of the Convention.

In the absence of any indication for that purpose, it might be possible that import permits which were granted several years ago be accepted by (re-)export states.

During that time, it is possible that the favourable conditions which had led to the granting of the permit have changed and that the import has lost the interest it had initially, or the equipment to house and care for the live specimens is no longer suitable.

5. The need is, therefore, obviously to allocate to import permits for Appendix I specimens, in particular live specimens, a time validity appropriate to compliance with the provisions of Article III, paragraph 3, sub-paragraphs (a), (b) and (c), of the Convention.

But as it is unlikely that positive determinations under these sub-paragraphs will change during that time, this can be guaranteed with a time validity of 12 months.

6. Consequently, the attached draft resolution (Annex 1) is presented for consideration at the present meeting of the Conference of the Parties.
7. Considering that the adoption of the draft resolution in Annex 1 might be deemed unnecessary due to the work increase the implementation of its provisions will generate for dead specimens, an alternative draft resolution is proposed at Annex 2. This draft provides for the allocation of a time validity of 12 months only for import permits for live specimens.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Time Validity of Import Permits

WHEREAS Article III, paragraph 3, of the Convention provides that the granting of an import permit for specimens of Appendix I species subordinates the granting of the export permit or re-export certificate for such specimens;

WHEREAS Resolution Conf. 4.9 adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983) recommends that the term "valid for a period of six months" be interpreted to include the activities of export, transport, presentation for import, etc.;

CONSIDERING that the time validity of import permits cannot be less than the time validity of export permits and re-export certificates;

CONSIDERING also that no provision exists to establish maximum time validity of import permits, but that it is necessary to establish a time validity appropriate to guarantee compliance with the provisions of Article III, paragraph 3, of the Convention;

RECOGNIZING the need for a uniform implementation of the Convention with regard to the time validity of import permits;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that provisions of Article III, paragraphs 2 and 4, of the Convention be understood to mean that an import permit be recognized as valid by a Management Authority of a state of export or re-export only if presented within a period of six months from the date on which it was granted; and
- b) that after the expiry of the said six months period an import permit previously granted by the state of import, in order that it can be presented to a Management Authority of a state of export or re-export in accordance with the provisions of the Article mentioned above, be considered as void and of no legal value whatsoever.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Time Validity of Import Permits for Live Specimens

WHEREAS Article III, paragraph 3, of the Convention provides that the granting of an import permit for specimens of Appendix I species subordinates the granting of the export permit or re-export certificate for such specimens;

WHEREAS Resolution Conf. 4.9 adopted at the fourth meeting of the Conference of the Parties (Gaborone, 1983) recommends that the term "valid for a period of six months" be interpreted to include the activities of export, transport, presentation for import, etc.;

CONSIDERING that the time validity of import permits cannot be less than the time validity of export permits and re-export certificates;

CONSIDERING also that no provision exists to establish maximum time validity of import permits, but that it is necessary to establish a time validity appropriate to guarantee compliance with the provisions of Article III, paragraph 3, of the Convention, notably with regard to live specimens;

RECOGNIZING the need for a uniform implementation of the Convention with regard to the time validity of import permits for live specimens;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS

- a) that provisions of Article III, paragraphs 2 and 4, of the Convention be understood to mean that an import permit be recognized as valid by a Management Authority of a state of export or re-export only if presented within a period of six months from the date on which it was granted; and
- b) that after the expiry of the said six months period an import permit for live specimens previously granted by the state of import, in order that it can be presented to a Management Authority of a state of export or re-export in accordance with the provisions of the Article mentioned above, be considered as void and of no legal value whatsoever.